

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7017**

**BILL NUMBER:** SB 225

**NOTE PREPARED:** Dec 26, 2006

**BILL AMENDED:**

**SUBJECT:** Breastfeeding in the Workplace.

**FIRST AUTHOR:** Sen. Simpson

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
X FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that the state, political subdivisions, and other employers that employ one or more individuals shall provide for reasonable paid breaks for an employee to express breast milk for the employee's infant child.

The bill provides that the state, political subdivisions, and other employers must make reasonable efforts to provide a room or other location in close proximity to the work area where the employee can express the employee's breast milk in privacy. It provides that the state, political subdivisions, and other employers must make reasonable efforts to provide for a refrigerator or other cold storage for keeping breast milk that has been expressed.

The bill makes it a discriminatory practice for an employer to discriminate against an employee who breastfeeds or expresses milk during a regularly scheduled lunch break or other break. It provides that the Civil Rights Commission is responsible for investigating allegations that an employee has been discriminated against for breastfeeding or expressing milk during a regularly scheduled lunch break or other break.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** The impact on the state would be as an employer. Employers would be required to provide a reasonable paid break time for an employee who needs to express breast milk for the employee's infant child. The break must, if possible, be run concurrently with any break time already provided the employee. The impact to the state would probably be minor.

The bill also requires employers to make reasonable efforts to provide (1) a room or other location, other than

a toilet stall, for the employee to express the employee's breast milk in privacy and (2) a refrigerator or other cold storage for the milk. The impact would depend on the facilities that might be needed and if they can reasonably be provided. The impact would probably be minor.

The Civil Rights Commission could have some increase in costs associated with the investigation of allegations that an employee has been discriminated against for breastfeeding or expressing milk during a regularly scheduled lunch break or other break. The funds and resources required could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions. As of December 18, 2006, the Commission had 15 vacant positions valued at \$476,658. Four of the positions had been vacant for over two years. The Commission reverted \$268,490 on June 30, 2006.

*Background:* There are about 87,000 births in Indiana each year. According to the U.S. Census Bureau, a little over half of all American women with a child less than one were in the labor force in 2002. There might be about 43,500 women with a child under the age of one that might need to express breast milk. As of December 22, 2006, the state had five women on maternity leave.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** See *Explanation of State Expenditures*. The impact on local units would be as an employer.

**Explanation of Local Revenues:**

**State Agencies Affected:** Civil Rights Commission; All.

**Local Agencies Affected:** All.

**Information Sources:**

**Fiscal Analyst:** Chuck Mayfield, 317-232-4825.